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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

WRIGHT, ANDREW D

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 08/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/777,393

Applicant(s)

ROBERTS, JOHN

Examiner

Andrew Wright

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Information Disclosure Statement

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Specification

2. The use of the trademark "VELCRO" has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

3. The reference number "22" has been used to identify both the "sloping top" and the "outer shell" in pages 5-6 of the specification and in figure 4 of the drawings. The elements should be given different reference numbers.

Drawings

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the indicia including at least one structural item and at least a flag pole, lighthouse, and palm tree (claim 10)

must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

5. Claims 3, 9, 11, and 14 are objected to because of the following informalities. Appropriate correction is required.
6. Claim 3 recites the limitation "said polyester laminate shell" in line 2. There is insufficient antecedent basis for this limitation in the claim. It will be assumed that this means that the previously recited outer shell is constructed of polyester laminate.

Art Unit: 3617

7. Claim 9 recites the limitation "said polyester laminate shell" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim. And claim 9 recites the limitation "a foam core" in line 2. This appears to be a second recitation of the inner core. It will be assume that this claim means that the already recited outer shell comprises a polyester laminate and that the already recited inner core comprises foam.

8. Claim 11 recites "an outer laminate shell" in line 2. This appears to be a second recitation of the already recited outer shell. It is improper to positively recite the same element twice. It will be assumed that this means the outer shell is a laminate outer shell, and that a polyester gel coat is applied thereto.

9. Claim 14 recites "a polyester laminate shell" in line 2. This appears to be a second recitation of the already recited laminate outer shell. It is improper to positively recite the same element twice. It will be assumed that this means the laminate outer shell is a polyester outer shell, and that a polyester gel coat is applied thereto.

Claim Rejections - 35 USC § 112

10. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

11. Claims 10-12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 10 recites that the indicia comprises at least one structural object and

Art Unit: 3617

including at least one flag pole, lighthouse, and palm tree. Use of the word "and" in the claim results in the claim reciting all four elements at the same time. The disclosure does not adequately describe a raft with all four elements (structure, flag pole, lighthouse, palm tree). Claims 11 and 12 depend from claim 10.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 1, 2, 5, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Von Norring (US 3,694,837) in view of Keller (US 3,619,833) and Lekhtman (US 2004/0028478). Von Norring shows a floating body with a planar bottom (2), curved side, and sloping top. The body comprises a core (14) and outer shell (6). The outer shell encapsulates the core (figure 2). Von Norring does not disclose the construction materials of the core and outer shell. Keller shows a floating raft, similar to that of Von Norring, with an outer shell (20) that encapsulates an inner core (12). Keller teaches that the core may be foam (column 1, lines 61-62) and the outer shell may be fiber glass and polyester resin (column 2, lines 18-21). Since Von Norring does not disclose any specific materials of construction, one wishing to make or use the apparatus of Von Norring would necessarily need to choose materials of construction. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Von Norring by using a foam core and a fiber glass and polyester resin

Art Unit: 3617

outer shell. The motivation would be to make and/or use the Von Norring apparatus with materials of construction that are known in the art. Von Norring does not disclose at least one decorative indicia associated with the sloping top. Lekhtman discloses a floating raft similar to that of Von Norring. Lekhtman teaches that the top surface may be covered with artificial turf for a golf playing surface (paragraph 0019). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Von Norring by adding artificial turf to the top surface. The motivation would be to create a golf playing surface as taught by Lekhtman. The artificial turf constitutes a decorative indicia.

14. Regarding claim 2, the body of the modified invention comprises polyester in the outer shell.

15. Regarding claim 5, the indicia comprises artificial turf.

16. Regarding claim 9, the outer shell is polyester resin laminate and the inner core is foam, as taught by Keller.

17. Claims 3 and 4 are is rejected under 35 U.S.C. 103(a) as being unpatentable over Von Norring in view of Keller and Lekhtman as applied to claim 2 above, and further in view of Abeille (US 4,825,798). Regarding claim 3, Keller discloses that a polyester gel coat can be applied to the outer surface of the outer shell (column 2, line 15). Keller is silent as to pigment. Abeille shows a floating raft that comprises a foam core and polyester resin outer shell. Abeille teaches that a polyester gel coat can be applied to the outer surface of the outer shell. Abeille teaches that the polyester gel coat may be clear or colored if desired (column 2, lines 40-41). Therefore it would have

Art Unit: 3617

been obvious to one having ordinary skill in the art at the time the invention was made to further modify Von Norring by adding a pigmented polyester gel coat as taught by Keller and Abeille. The motivation would be to enhance the appearance of the raft.

18. Regarding claim 4, Abeille teaches that the gel coat may comprise a textured non-skid surface in the form of stone (32). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify Von Norring by adding stone to the gel coat as taught by Abeille. The motivation would be to minimize the risk of a user slipping on the top surface.

19. Claims 6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Von Norring in view of Keller and Lekhtman as applied to claim 1 above, and further in view of Simon (US 3,814,439). The modified invention of Von Norring does not comprise a flag pole. Lekhtman teaches adding the artificial turf for the purpose of creating a golf playing surface. Simon shows a floating golf playing surface with artificial turf and a flag. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify Von Norring by adding a flag to the top surface. The motivation would be to enhance the golf playing surface by providing a target.

20. The elements of claim 10 are present in the modified invention of Von Norring as described above with respect to claim 6.

21. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Von Norring in view of Keller and Lekhtman as applied to claim 1 above, and further in view of Treppedi et al. (US 2002/0095947). The modified invention of Von Norring does not

comprise an artificial palm tree. Lekhtman teaches that the floating raft can also be used to support a parasol (paragraph 0021). Treppedi shows a parasol in the shape of an artificial palm tree (figures 1 and 8). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify Von Norring by adding a parasol in the form of a palm tree. The motivation would be to provide shade for the user on the raft.

22. Claims 1 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bass (US 3,707,736) in view of Mallory (US 3,893,201). Bass shows a raft with a flat bottom, curved side, and sloped top. The top has a lantern which constitutes a decorative indicia. The raft has an outer shell (4, 6) that is hollow. Bass does not disclose a core of buoyant material, or that the shell is buoyant material. Mallory shows a buoy similar to that of Bass. Mallory shows that the buoy comprises a foam core (32) encapsulated by a polyester resin outer shell (30). It is well known and common in the art to fill hollow spaces with foam to provide buoyancy in the event that the walls of the hollow space get punctured. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Bass by using a foam core and a polyester outer shell as taught by Mallory. The motivation would be to enhance the buoyancy of the raft.

23. Regarding claim 7, the lantern constitutes a light house structure.

24. Claims 11 and 12 are is rejected under 35 U.S.C. 103(a) as being unpatentable over Von Norring in view of Keller and Lekhtman and Simon as applied to claim 6 above, and further in view of Abeille (US 4,825,798). Regarding claim 11, Keller

Art Unit: 3617

discloses that a polyester gel coat can be applied to the outer surface of the outer shell (column 2, line 15). Keller is silent as to pigment. Abeille shows a floating raft that comprises a foam core and polyester resin outer shell. Abeille teaches that a polyester gel coat can be applied to the outer surface of the outer shell. Abeille teaches that the polyester gel coat may be clear or colored if desired (column 2, lines 40-41). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify Von Norring by adding a pigmented polyester gel coat as taught by Keller and Abeille. The motivation would be to enhance the appearance of the raft.

25. Regarding claim 12, Abeille teaches that the gel coat may comprise a textured non-skid surface in the form of stone (32). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify Von Norring by adding stone to the gel coat as taught by Abeille. The motivation would be to minimize the risk of a user slipping on the top surface.

26. Claims 13, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Von Norring in view of Keller and Lekhtman and Simon as applied to claim 6 above. Von Norring in view of Keller, Lekhtman, and Simon does not disclose the recited method steps. However, the method steps are inherent in the making and use of the modified invention of Von Norring. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to devise the recited method steps. The motivation would be to make and use the modified invention of Von Norring as described above with respect to claim 6.

Art Unit: 3617

27. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Von Norring in view of Keller and Lekhtman and Abeille as applied to claims 3 and 4 above. Von Norring in view of Keller, Lekhtman, and Abeille does not disclose the recited method steps. However, the method steps are inherent in the making and use of the modified invention of Von Norring. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to devise the recited method steps. The motivation would be to make and use the modified invention of Von Norring as described above with respect to claims 3 and 4.

Conclusion

28. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gentile ('340) shows a raft with a foam core, polyester outer shell, and a flag pole on the top surface. Smollar ('440) shows a raft with an artificial palm tree. Peterson ('271) shows a raft with a shade in the form of a whale tail. Lekhtman ('355) shows a floating dock module and a floating deck module, and discloses that various accessories can be place on top of the modules, including a parasol, illumination means, planter box, and artificial grass.

29. Any inquiry concerning this communication should be directed to examiner Andrew D. Wright at telephone number (703) 308-6841. The examiner can normally be reached Monday-Friday from 9:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joe Morano, can be reached at (703) 308-0230. The fax number for

Art Unit: 3617

official communications is 703-872-9306. The fax number directly to the examiner for unofficial communications is 703-746-3548.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrew D. Wright
Patent Examiner
Art Unit 3617

AW 8/17/04
ANDREW D. WRIGHT
PRIMARY EXAMINER